

REMARKS

Claims 1-80 are pending in this application.

Claims 1-5, 7, 12-14, 16, 17, 19-26, 28, 33-35, 37, 38, 40-47, 49, 54-57, 59-66, 68, 73-76, and 78-80 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin et al. U.S. Patent No. 5,583,560 (hereinafter "Florin") in view of Rowe et al. U.S. Patent No. 6,008,803 (hereinafter "Rowe").

Claims 6, 27, 48, and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Rowe and further in view of Evans et al. U.S. Patent No. 5,987,448 (hereinafter "Evans").

Claims 8-11, 29-32, 50-53, and 69-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Rowe and further in view of "Bookmarks Management" (available at <http://www.dartmouth.edu/~biomed/workshops/kcks/internet.html>).

Claims 15, 18, 36, 39, 58, and 77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Rowe and further in view of Schultheiss U.S. Patent No. 6,208,384 (hereinafter "Schultheiss") and Huang et al. U.S. Patent No. 6,437,836 (hereinafter "Huang").

Applicants have amended claims 1, 22, 43, and 62 to more particularly define the invention. No new subject

matter has been added and the amendments are fully supported and justified by the specification.

The Examiner's rejections are respectfully traversed.

The Examiner contends that

it would have been obvious to one skilled in the art at the time of invention to modify Florin to simultaneously display a number of categories and sub categories as taught by Rowe, thus enabling a user to easily navigate between different category and sub category combinations

(Office Action, pages 2-3). Applicants respectfully submit that neither Florin nor Rowe, taken alone or in combination would enable a user to perform applicants' claimed invention.

Applicants' invention, as defined by amended independent claims 1, 22, 43, and 62, relates to systems and a method in which program listings and information on certain simple categories of programming and certain combination categories of programming are supplied to an interactive television program guide. Simple categories include distinct categories such as movies, comedy, sports, and series. Combination categories include combinations of simple categories such as comedy-movies, comedy-series, and sports-baseball. The interactive television program guide displays a list "simultaneously displaying both the simple categories and the combination categories" (claim 1). The simple categories and the combination categories are

simultaneously selectable by a user from the same list. When the user selects one of the simple categories or one of the combination categories, the interactive television program guide searches for those program listings that are associated with the selected category and displays them to the user.

Florin refers to an electronic program guide system in which program listings are organized into a multi-level, hierarchical structure of categories (e.g., all, favorites, movies, sports, news, and music video (see col. 18, lines 3-16 and FIG. 28)) and subcategories (e.g., subcategories of "sports" including baseball, football, basketball, auto racing, hockey and golf (see col. 18, lines 61-63 and FIG. 29)). As explained in applicants' August 8, 2003 37 C.F.R. § 1.116 Amendment After Final, the user is unable to identify his interest in baseball until he has maneuvered through two levels of the Florin category/subcategory structure.

Rowe refers to an electronic program guide system in which program listings are organized into a tiered structure of categories (e.g., shopping, special, sports, talk shows, and comedies (see FIG. 3)) and subcategories (e.g., subcategories of "sports" including auto racing, baseball, basketball, bowling, and football (see FIG. 3)), which are displayed in separate display elements. In order for a user to arrive at the listing of basketball

programming shown in FIG. 3 of Rowe, a user must first select "sports" from the category display followed by a selection of "basketball" from the subcategory display. The description of FIGS. 2 and 3 specifically recites, "the schedule display 50 includes three display elements, a category display 52, a subcategory display 54, and a program display 56. Each of the displays 52, 54, and 56 display separate classes of programming information" (col. 7, lines 19-23). Nowhere does Rowe show "sports-drama" simultaneously selectable in the same list as "sports."

Each of independent claims 1, 22, 43, and 62 includes "displaying a selectable list simultaneously displaying both the simple categories and the combination categories on the user equipment," or an equivalent variant of the phrase. Applicants' independent claims 1, 22, 43, and 62 distinctly claim simultaneous selectability of both simple categories and combination categories in the same list. This is illustrated by, for example, applicants' FIG. 4 which shows "sports" and "sports-baseball" in the same selectable list. Flörin and Rowe, in no way, show the ability to select "sports-baseball" from the same list as "sports." Rather, Florin and Rowe show first selecting "sports" from a main category list and then selecting "baseball" from a subcategory list.

The differences between Florin, Rowe, and applicants' claimed invention are illustrated by the following examples:

	<u>Florin</u>	<u>Applicants' FIG. 4</u>
All	Baseball	Sports
Favorites	Football	Sports-Drama
Movies	Basketball	Sports-Comedy
Sports	Auto Racing	Sports-Baseball
News	Hockey	Sports-Football
Music Video	Golf	Sports-Series

FIG. 28

FIG. 29

	<u>Rowe</u>
Shopping	Auto Racing
Special	Baseball
Sports	Basketball
Talk Shows	Bowling
Comedies	Football

FIG. 3

Both Florin and Rowe fail to mention any simultaneous selectability of both simple and combination categories from the same list on the electronic program guide. Neither reference shows selecting a combination category (e.g., sports-drama) from the same list as a simple

category (e.g., baseball). Applicants respectfully submit that Florin and Rowe fail to show or suggest the features of applicants' claimed invention either taken alone or in combination, and therefore fail to render applicants' claimed invention obvious.

Moreover, even if Florin and Rowe did show all of applicants' claimed features, the Examiner has failed to point out the requisite motivation necessary to present a rejection of claims under 35 U.S.C. § 103(a). In order to establish a *prima facie* case of obviousness based on a combination of references, there must be "some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art" (MPEP § 2143.01). Applicants respectfully submit that the Examiner has failed to fulfill the requirement of presenting an "objective teaching . . . or . . . knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references," In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Accordingly, applicants respectfully submit that independent claims 1, 22, 43, and 62 are allowable. Claims 2-21, 23-42, 44-61, and 63-80, which depend from independent claims 1, 22, 43, and 62, are allowable because independent claims 1, 22, 43, and 62 are allowable. Applicants

respectfully request that the rejection of claims 1-80 be withdrawn.

Applicants respectfully submit that this patent application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Alexander Shvarts
Registration No. 47,943
Attorney for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
(212) 596-9000